IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1949 OF 2024

Ravindra Babaji Shendkar … Applicant
vs.
The State of Maharashtra … Respondent

Ms. Neha P. Bhavsar a/w. Ms. Aditi Chaurasia, i/b. V. K. Dubey Associates for applicant.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

Ms. Manisha Jadhav, PSI, Chatursrungi Police Station, District Pune City.

CORAM : MANISH PITALE, J.
DATE : 29th JULY, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0538 of 2024 dated 16.06.2024, registered at Police Station Chaturshrungi, District Pune City, for offences under Sections 406, 420 and 506 of the Indian Penal Code, 1860 (IPC).

3. The grievance of the informant is that the applicant who is a travel and tour operator, took substantial amount of ₹ 70,000 from the informant and did not perform his part of the deal, as a consequence of which the informant was pursuing the applicant for the money. The cheque issued by the applicant amounting to ₹ 70,000 was dishonoured and thereupon, the informant was constrained to approach the police.

4. The informant has also referred to the instances wherein the applicant allegedly duped other similarly situated persons also and these facts are mentioned in the statement of the informant, leading to registration of FIR. It is alleged that in this process, the applicant duped innocent persons like the informant to the tune of ₹ 11 lakhs.

5. The learned counsel for the applicant submits that there was a dispute between the applicant and the informant, for the reason that within a few days after engaging the services of the applicant and giving instructions to book tickets and hotel, the informant cancelled the bookings and a dispute arose between the parties. It is submitted that after the cheque of ₹ 70,000 was dishonoured, the applicant, to show his *bonafide*, had transferred an amount of ₹ 10,000 by online transfer in favour of the informant. It is submitted that the applicant is ready to repay the balance amount of ₹ 60,000 also.

6. Insofar as the other instances in the statement of the informant, leading to registration of FIR, attention of this Court is invited to a number of documents annexed to the application to show that air tickets and hotel bookings were actually made by the applicant for the said persons. It appears that there was a dispute between the applicant and the informant, but the said persons indeed travelled on the basis of the tickets booked by the applicant. On this basis, it was submitted that this Court may consider granting relief to the applicant, who undertakes to co-operate with the investigation.

7. On the other hand, the learned APP invites attention of this Court to the material that has come on record during the course of investigation,

including statements of the witnesses i.e. the other persons duped by the applicant. It is submitted that such persons have given documentary material to the investigating officer to show that amounts were indeed transferred to the account of the applicant and that therefore, there is enough material to show the ingredients of the offences in question.

8. In the present case, the offences registered against the applicant include offences under Sections 406 and 420 of the IPC. As regards Section 420 of the IPC, the main ingredient thereof is material to indicate the intention on the part of the accused from the very inception to cheat the victim.

9. In the present case, considering the material on record and the nature of grievance raised by the informant, *prima facie*, it appears to be more of a commercial dispute or civil dispute between the parties. Allegations and counter-allegations are made by the parties against each other.

10. As regards the reference to other persons suffering like the informant, there are sufficient documents placed alongwith the application to indicate that the applicant did take efforts to book tickets for the other persons. Proof of hotel bookings is also placed on record. It appears that during interaction between the applicant and such persons, some dispute have arisen, giving rise to statements given by them to the investigating officer.

11. At this stage, it does not appear that the applicant accepted large sums of money from such persons, including the informant and instead of performing the acts for which the amounts were paid, he simply vanished. Such does not appear to be the case against the applicant and therefore, this

Court is inclined to allow the present application, subject to appropriate conditions being imposed.

12. In view of the above, the application is allowed in the following terms:

(i) In the event the applicant is arrested in connection with FIR No.0538 of 2024 dated 16.06.2024, registered at Police Station Chatursrungi, District Pune City, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;

(ii) the applicant shall remain present before the Investigating Officer on 01.08.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present;

(iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;

(iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

13. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

14. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

15. The application stands disposed of.

(MANISH PITALE, J)

PRIYA KAMBLI Digitally signed by PRIYA KAMBLI Date: 2024.07.29 19:05:55 +0530